

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT  
Lewis F. Powell, Jr. United States Courthouse Annex  
1100 E. Main Street, Suite 501  
Richmond, Virginia 23219-3517

Patricia S. Connor  
Clerk

www.ca4.uscourts.gov

**FILED**  
CHARLOTTE, N.C. Telephone  
(800) 916-2700

MAY 18 2005

U. S. DISTRICT COURT  
W. DIST. OF N. C.

May 16, 2005

Jerry Wayne Moody Jr.  
FEDERAL CORRECTIONAL INSTITUTION ASHLAND  
#15160-058  
Inmate Mail  
P. O. Box 6001  
Ashland, KY 41105

Gretchen C. F. Shappert, Esq.  
OFFICE OF THE U. S. ATTORNEY  
Suite 1700  
Carillon Building  
227 West Trade Street  
Charlotte, NC 28202

Re: 05-268 In re: Moody  
CR-99-186

Dear Parties:

Enclosed is a copy of an order filed today in this case.

Yours truly,

PATRICIA S. CONNOR  
Clerk

/s/ Deborah S. Daniel  
By: \_\_\_\_\_

Deputy Clerk

Enclosure(s)

cc: Clerk, U. S. District Court

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

FILED: May 16, 2005

No. 05-268  
CR-99-186

In Re: JERRY WAYNE MOODY, JR.,

Movant.

-----  
O R D E R  
-----

Jerry Wayne Moody, Jr., has filed a motion pursuant to 28 U.S.C. § 2244 (2000), seeking authorization to file a successive motion for post-conviction relief, pursuant to 28 U.S.C. § 2255 (2000). Permission from this court under § 2244 is required only when the Movant seeks to file a second or successive motion for post-conviction relief. Because Moody has not previously filed an application for post-conviction relief, we conclude that he does not need authorization from this court to file a § 2255 motion in federal district court. Accordingly, we deny his motion for authorization as unnecessary.

Entered at the direction of Judge Niemeyer with the concurrence of Judge Williams and Judge Motz.

FOR THE COURT,

/s/ Patricia S. Connor  
Clerk